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July 10, 2023

Sent via Electronic Filing

The Honorable Esther Salas, D.N.J.  
United States District Court of New Jersey  
Martin Luther King Jr. Fed. Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: Tabourne v. Tabourne**  
**Docket No. 2:22-cv-02358-ES-AME**

Dear Judge Salas:

This office represents Defendants Jeffrey Tabourne and Christopher Tabourne ("Defendants") in connection with the captioned matter. On June 6, 2023, Defendants moved for an Order pursuant to N.J.S.A. 2A:15-7(b) to discharge the Notice of Lis Pendens filed by Plaintiff, Carla Tabourne, with the Essex County Register of Deeds and Mortgages on April 26, 2022 with respect to real property located at 4 Linden Court, West Orange, New Jersey (the "West Orange Property"), and for counsel fees pursuant to Fed. R. Civ. P. 11 in connection with the Defendants' filing of the pending motion.

We are in receipt of correspondence submitted by Plaintiff's counsel, Eldridge Hawkins, Esq., dated July 7, 2023, wherein Mr. Hawkins consents to discharging the April 26<sup>th</sup> Lis Pendens. While Mr. Hawkins' July 7<sup>th</sup> letter further asks that our office provide him with the discharge form for signature, it is clearly Mr. Hawkins' obligation to prepare and submit the appropriate form to discharge the Lis Pendens, as set forth in the proposed form of Order submitted with our pending motion. Mr. Hawkins has commented to the Order and, as Plaintiff, is the party responsible for the filing of the Lis Pendens.

Additionally, as set forth more fully in the Certification of Jeffrey Tabourne and the Certification of James K. Estabrook, Esq. submitted in support of the Defendants' pending motion, our office made four (4) separate written requests to Mr. Hawkins, dating back to February of this year, wherein we asked that his client voluntarily discharge the April 26<sup>th</sup> Lis Pendens. All of these requests were ignored. On May 9, 2023, our office sent Mr. Hawkins a copy of the pending motion, and asked for a fifth time that his client voluntarily discharge the Lis Pendens in order to avoid legal fees as set forth in Fed. R. Civ. P. 11(c). Once again, Mr. Hawkins ignored this request. Notably, when the motion was filed on June 6<sup>th</sup>, Mr. Hawkins again ignored it. It was not until the Court's July 7<sup>th</sup> text order specifically directing that he respond did Mr. Hawkins file the instant letter consenting to discharge the Lis Pendens.



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Accordingly, we maintain that Defendants are entitled to counsel fees and costs in connection with the filing of the instant motion as well as those expenses incurred in connection with the vacant property since the filing of the Lis Pendens in April 2022, including but not limited to homeowner insurance, real property taxes, utilities, maintenance and repairs of the landscaping and all mechanical systems, as set forth more fully in Defendants' pending motion.

Should you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,  
LINDABURY, McCORMICK, ESTABROOK & COOPER

  
James K. Estabrook

JKE:lg

cc: Jeffrey and Christopher Tabourne (via email only)  
John Elliott, Esq., (via email only)